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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/710,892	11/14/2000	Hiroaki ITO	P66074US0	5787

136 7590 07/02/2004

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EXAMINER

PATTERSON, MARC A

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 07/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No. 09/710,892	Applicant(s) ITO ET AL.	
	Examiner Marc A Patterson	Art Unit 1772	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 04 June 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: none.

Claim(s) objected to: none.

Claim(s) rejected: 1-21.

Claim(s) withdrawn from consideration: none.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☒ Other: See attached.

ADVISORY ACTION

Acknowledgement of Applicant's Amendments

1. The amendment made in Claim 1 in the After Final Amendment filed June 4, 2004 has not been entered because the amendment raises a new issue. The claims prior to amendment were not directed to a hose 'the sole co – extruded components of which are an inner single layer of fluoro-resin and an outer single layer of a thermoplastic resin.' The amendment would therefore require further search and consideration to be completely addressed. If the amendment was entered, the amended claim overcome the current prior art of record.

Applicant argues, on page 9, that the rejection is improper because although Applicant's claimed viscosity range is within the range disclosed by Yamamoto et al, it is not anticipated by the prior art.

However, because the range is within the range disclosed by the prior art, it is clearly anticipated by the prior art.

Applicant also argues that the rejection is improper because the rejection ignores pages 2 and 3 of the specification has been ignored in combining Yamamoto et al and Yokoe et al.

However, it is unclear why the selected passage, or the segments of it that are claimed, renders the rejection improper.

Applicant also argues, on page 10, that Spohn teaches away from Yamamoto et al by providing an alternative means to provide adhesion.

However, as stated on page 5 of the previous Action, Spohn teaches the use of a fluoro-resin layer containing a reactive functional group (it is adhesively activated by having a compound grafted thereto which imparts polar functionality (page 7, lines 8 – 10 and 30 – 35),

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for the purpose of producing a fuel hose which has an excellent chemical resistance (page 1, lines 12 – 14 of Spohn). Therefore, one of ordinary skill in the art would have recognized the advantage of providing for the fluororesin of Spohn in the hose of Yamamoto et al, which is a fuel hose, depending on the desired chemical resistance of the hose as shown by Spohn, and thus would have been motivated to use the teachings of Spohn in the fuel hose disclosed by Yamamoto et al. It therefore would have been obvious for one of ordinary skill in the art at the time Applicant's invention was made to have provided for a fluororesin layer containing a reactive functional group in Yamamoto et al. in order to produce a fuel hose which has an excellent chemical resistance as taught by Spohn.

Applicant also argues on page 10 that there is no need to increase adhesion strength based on Murakami.

However, as stated on page 6 of the previous Action, Murakami et al teach the addition of a diazabicycloundecene salt to the polyamide layer of a multilayer hose, for the purpose of increasing the interlaminar adhesion strength (Abstract). Therefore, one of ordinary skill in the art would therefore have recognized the utility of the diazabicycloundecene salt taught by Murakami et al in the polyamide layer of Yamamoto et al, which is a multilayer hose, in order to increase the interlaminar adhesion strength of the hose to a desired increased level of strength as taught by Murakami et al. It therefore would have been obvious for one of ordinary skill in the art at the time Applicant's invention was made to have provided for a diazabicycloundecene salt in Yamamoto et al in order to increase the interlaminar adhesion strength as taught by Murakami et al.

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Applicant also argues on page 11 that there is not motivation to combine Yamamoto et al with Stanley.

However, as stated on page 7 of the previous Action, Stanley teaches the corrugation of a fuel hose for the purpose of improving the flexibility as compared to a smooth hose (column 1, lines 62 – 68; column 2, lines 1 – 9). Therefore, the advantage of providing for corrugation of Yamamoto et al, which is a fuel hose, would have been obvious to one of ordinary skill in the art, depending on the desired flexibility of the hose as taught by Stanley. It therefore would have been obvious for one of ordinary skill in the art at the time Applicant's invention was made to have provided for corrugation in Yamamoto et al in order to improve the flexibility as taught by Stanley.

Conclusion

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc Patterson, whose telephone number is (571) 272 – 1497. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM. If attempts to reach the examiner by phone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached at (571) 272 – 1498. FAX communications should be sent to (703) 872-9310. FAXs received after 4 P.M. will not be processed until the following business day.

Marc A. Patterson, PhD.

Marc Patterson
Art Unit 1772

Harold Pyon
HAROLD PYON
SUPERVISORY PATENT EXAMINER
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6/28/04